

REMARKS

Applicant expresses appreciation for the interview conducted by Applicant's attorney D'Ann Naylor Rifai with Examiner Uttam Kumar and Primary Examiner Saleh Najjar on March 4, 2004. Although no agreement was reached, the arguments presented herein are in harmony with the discussion during the interview.

Claims 1-29 are pending in the application.

Claims 1-29 have been rejected.

Claims 11 and 21 are amended to correct typographical errors and have not changed in scope.

Claims 30-33 have been added. No new matter has been added.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1, 7, 11, 17, 21, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jenkins, U.S. Patent 6,258,983, in view of America Online version 5.0.

Applicants respectfully point out that the elements of independent claim 21 have been addressed in the rejection of claims 1 and 11, although the elements of claim 21 are substantially different than the elements of independent claims 1 and 11. Furthermore, the elements of independent claim 21 are not taught by Jenkins or America Online version 5.0, either alone or in combination. As such, independent claim 21 and its dependent claims 22-29 are allowable.

Independent claim 1 requires

determining whether said physical location falls within a set of service boundaries for said broadband communication network;

The Office Action states that Jenkins teaches that “marketers can sort through potential clients using various criteria, including physical location,” (Office Action dated December 5, 2003, page 2, paragraph 3) citing column 5, lines 12-14 of Jenkins, which reads as follows:

... Class records could, for example, comprise consumer data sorted by zip code, income level, or preferred web portal.

Applicant finds no reference to service boundaries for a broadband communication network in Jenkins column 5, lines 12-14. Furthermore, service boundaries for a broadband communication network are unlikely to follow zip code boundaries for postal service. Applicant respectfully asserts that the ability to search by physical location does not teach “determining whether said physical location falls within a set of service boundaries for said broadband communication network,” as required by independent claim 1. Accordingly, independent claim 1 and its dependent claims 2-10 are allowable for at least this reason.

Independent claim 1 further requires

if said physical location falls within said service boundaries,
electronically offering said user access to said broadband
communication network;

The electronic offer required by independent claim 1 is made if the physical location falls within the service boundaries for the broadband communication network. Because the cited portion of Jenkins does not teach service boundaries, this element is not taught or suggested by Jenkins column 5, lines 12-14.

Independent claim 1 also requires

remotely qualifying said personal computer for said broadband
communication network by determining whether said personal

computer meets predetermined acceptance criteria for use of said broadband communication network

which is also substantially required by independent claim 11. The Office Action states the following:

America Online version 5.0 remotely qualifies a personal computer for Internet service. These screenshots show the America Online software qualifying a personal computer for AOL's TCP/IP requirement.

(Office Action dated December 5, 2003, page 3, citing AOL reference pages 5-6).

Applicant respectfully asserts that the screen image on AOL reference page 6 merely provides a list of types of connection devices from which a user may select. There is no indication that the AOL software qualifies that the personal computer can actually use AOL's TCP/IP capabilities by determining that the personal computer meets predetermined acceptance criteria.

The Office Action further states the following:

There is no restriction as to what kind of Internet service the [AOL] software can provide. Page 6 shows that the software works over a TCP/IP connection without a modem, which inherently suggests that it works over a broadband connection.

While the AOL software may work over a broadband connection, nothing in the AOL reference pages 5 and 6 suggests that the personal computer running the AOL software is qualified to ensure that the personal computer can use the broadband communication network. Accordingly, independent claim 1, its dependent claims 2-10, independent claim 11, and its dependent claims 12-20 are allowable for at least this reason.

Claims 2, 12, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jenkins, U.S. Patent 6,258,983 in view of America Online version 5.0

and further in view of Teixeira (U. S. 6,470,074). These claims depend from, respectively, independent claim 1, 11, and 21. Independent claims 1, 11, and 21 have been shown to be allowable above, and these dependent claims are allowable for at least the foregoing reasons.

Claims 4, 14, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jenkins, U.S. Patent 6,258,983 in view of America Online version 5.0 and further in view of Koppich et al. (U. S. 6,636,329). These claims depend from, respectively, independent claim 1, 11, and 21. Independent claims 1, 11, and 21 have been shown to be allowable above, and these dependent claims are allowable for at least the foregoing reasons.

Claims 9, 19, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jenkins, U.S. Patent 6,258,983 in view of America Online version 5.0 and further in view of Du et al. (U. S. 6,529,511). These claims depend from, respectively, independent claim 1, 11, and 21. Independent claims 1, 11, and 21 have been shown to be allowable above, and these dependent claims are allowable for at least the foregoing reasons.

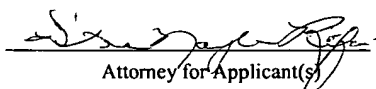
Claims 10, 20, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jenkins, U.S. Patent 6,258,983 in view of America Online version 5.0 and further in view of Izadpanah et al. (U. S. 6,560,213). These claims depend from, respectively, independent claim 1, 11, and 21. Independent claims 1, 11, and 21 have been shown to be allowable above, and these dependent claims are allowable for at least the foregoing reasons.

Claims 3, 5, 6, 8, 13, 15, 16, 18, 24, 26 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jenkins, U.S. Patent 6,258,983 in view of America Online version 5.0 and further in view of Posthuma et al. (U. S. 6,636,329). Each of these claims depends from one of independent claims 1, 11, and 21. Independent claims 1, 11, and 21 have been shown to be allowable above, and these dependent claims are allowable for at least the foregoing reasons.


CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5086.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on 3/5, 2004.


Attorney for Applicant(s) 3/5/04
Date of Signature

Respectfully submitted,



D'Ann Naylor Rifai
Attorney for Applicants
Reg. No. 47,026
(512) 439-5086 [Phone]
(512) 439-5099 [Fax]